

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHRISTOPHER WILLIAMS, *et al.*,
Plaintiff,

v.

Case No. 23-cv-454-pp

NONWINGGLER, *et al.*,
Defendants.

**ORDER DISMISSING CASE FOR PLAINTIFF'S FAILURE TO COMPLY WITH
COURT ORDER**

Plaintiff Christopher Williams, who is representing himself, filed a civil rights complaint under 42 U.S.C. §1983, dkt. no. 1, along with a motion to proceed without prepaying the filing fee under 28 U.S.C. §1915, dkt. no. 2. He filed the case on behalf of two other plaintiffs, Linda Williams and Lynesha Williams, who did not sign the complaint and who do not appear to be incarcerated. Mr. Williams did not provide contact information for Linda and Lynesha Williams and the court has not received filing fees, or requests to waive the filing fees, from Linda or Lynesha.

On April 6, 2022, the Clerk of Court sent the plaintiff a letter informing him that he must file a certified copy of his institutional trust account fund statement for the six-month period before he filed his lawsuit. Dkt. No. 3. 28 U.S.C. §1915(a)(2) requires that an incarcerated person “shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint.”

On April 28, 2023, the clerk sent a second letter. Dkt. No. 4. Both the April 6 and April 28 letters were sent to the plaintiff at the Milwaukee County Jail (the plaintiff included a Milwaukee County booking number on the complaint, dkt. no. 1 at 4). The April 28, 2023 letter was returned to the court as undeliverable and not able to forward. Dkt. No. 5.

On May 12, 2023, the clerk sent a third letter. Dkt. No. 6. It appears that the clerk's office sent this third letter to the plaintiff at the jail, at 8525 W. Hampton Ave., Milwaukee, WI 53225 *and* at 4534 N. 38th St., Milwaukee, WI 53209 (the plaintiff had listed both of those addresses on his complaint, dkt. no. 1 at 4). The letter sent to the Hampton Avenue address was returned as undeliverable and unable to forward. Dkt. No. 7.

On June 5, 2023, the court issued an order requiring the plaintiff to either pay the full \$402 filing fee, provide the court with a copy of his certified trust account statement or explain to the court why he was unable to do so by June 19, 2023. Dkt. No. 8. That order also appears to have been sent to the plaintiff at multiple addresses; the copies sent to the jail and the Hampton Avenue address were returned as undeliverable. Dkt. Nos. 9, 10.

The plaintiff included a Milwaukee County Circuit Court case number—2022CF003494—on his complaint. Dkt. No. 1 at 1. The court's staff looked up the docket for that case number on the Wisconsin Circuit Court Access site. wwca.wicourts.gov. The address listed for the plaintiff was 4534 N. 38th St., Milwaukee, WI 53209 (as of September 4, 2022). *Id.* The docket also reflected that the plaintiff had been convicted of burglary and sentenced to probation on April 28, 2023. *Id.* The court's staff then checked the Wisconsin Department of Corrections' Offender Search site, which lists the plaintiff's status as "Active

Community Supervision” and his sub-status as “Absconded.”

<https://appsdoc.wi.gov/lop/>.

It has been almost three months since the court received the plaintiff’s complaint and it has heard nothing from him since then. The June 19, 2023 deadline for the plaintiff to pay the full filing fee has passed. The court does not know whether the plaintiff has received any of the letters from the clerk’s office or the order forwarded by the court. It is unclear where the plaintiff is. But it is the plaintiff’s responsibility to notify the court of his whereabouts; he has not done that. Because the defendants have not yet had a chance to decide whether to agree to a magistrate judge deciding this case, the case was randomly reassigned to this district court judge for dismissal. The court will dismiss the case for the plaintiff’s failure to comply with the court’s order.

THE COURT ORDERS that this case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff’s failure to comply with the court’s order (his failure to provide the court with his six-month trust account statement and his failure to comply with the June 5, 2023 order). The clerk will enter judgment accordingly. The plaintiff may refile his complaint at a later date, subject to the relevant statute of limitations.

Dated in Milwaukee, Wisconsin this 27th day of June, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge